

83-00014

# OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

OCT 14 1982

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

JAMES R. SOLOMON, JR.  
DEPUTY ATTORNEY GENERAL  
WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT  
WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL  
JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

Honorable Robert P. Reynolds  
Attorney for the City of Northport  
808 Lurleen Wallace Boulevard, North  
Post Office Box 2427  
Tuscaloosa, Alabama 35403

Municipalities - Streets -  
Speed Breakers

Municipality may use speed  
breakers to control the  
flow of traffic.

Dear Mr. Reynolds:

The Office of the Attorney General has received your  
opinion request. In your request, you stated the following:

The city would like to install  
certain speed breakers on  
municipal streets if permitted  
by Alabama law, and further,  
to construct said speed breakers  
according to any requirements  
and specifications that may be  
required under any applicable  
law in the State of Alabama.  
We respectfully request your  
opinion in this matter.

Honorable Robert P. Reynolds  
Attorney for the City of Northport  
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This office has previously ruled that a municipality may use speed breakers to regulate traffic within the municipality in the Opinion to Honorable Robert J. Burns, Mayor, City of Tarrant, under date of June 30, 1981. For your convenience, a copy of that opinion is attached.

If the street upon which the speed breakers are to be placed is within the jurisdiction of the State of Alabama Highway Department, your City must obtain permission to install the speed breakers from the highway department and meet any specifications adopted by their department as required by Code of Alabama 1975, § 32-5A-30.

We hope this response sufficiently answers your inquiry. If we may be of further assistance, please do not hesitate to contact us.

Very truly yours,

CHARLES A. GRADDICK  
Attorney General  
By-



LEURA J. GARRETT  
Assistant Attorney General

LJG:db

Enclosure:

81-00453  
OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

JUN 30 1981

ADMINISTRATIVE BUILDING  
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Honorable Robert J. Burns  
Mayor  
City of Tarrant  
Tarrant, AL 35217

Municipalities -  
Rules of Road -  
Speedbreakers

Municipality may use  
speedbreakers to control  
the flow of traffic.

Dear Mayor Burns:

This letter is in response to your letter of June 1,  
1981 in which you requested an opinion as follows:

- "1) Are the use of speedbreakers  
legal to control flow of  
traffic?
- "2) Can the City of Tarrant be  
held liable for any damages  
done to automobile crossing  
the speedbreakers?

Honorable Robert J. Burns  
Mayor  
City of Tarrant  
Page 2.

The Code of Alabama 1975, § 32-5-31 provides that local authorities, "... shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and carry out the provisions of this chapter or local traffic ordinances or to regulate, warn or guide traffic." Section 32-1-1.1(37) defines official traffic control devices as, "all signs, signals, markings and devices not inconsistent with this chapter. . ."

A municipality may thus use speedbreakers to regulate traffic within the municipality. The municipality would be required to obtain permission from the state highway department before placing such devices upon city streets designated as part of the state highway system. Section 32-5A-30 and § 23-1-40.

In response to your second question, it is the opinion of this office that the City of Tarrant would not be liable for damages done to automobiles crossing the speedbreakers where such speedbreakers were properly installed and maintained.

I hope I have fully answered your inquiries with regard to these matters.

Sincerely,

CHARLES A. GRADDICK  
Attorney General  
By-

JACK M. CURTIS  
Assistant Attorney General

JMC:db